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Application No. 119615

CC Docket No. 96-45

CC Docket No. 97-21

April 27, 2000

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47 CFR § 54.719 AND PETITION FOR WAIVER OF RULE

I.

Introduction

denial of Anderson's funding requests.¹

¹ See Appendix A for a copy of the filings and correspondence by Anderson and the Administrator.

The FCC should reverse the Administrator's decision or, in the alternative, waive its competitive bidding requirements in this case because the facts make strict compliance inconsistent with the public interest and place form over substance. There is only one telecommunications service provider in Anderson, Indiana, and thus, insistence on compliance with the bidding requirement would not have altered the outcome of the process. The Administrator's decision is contrary to the policy objectives of the Universal Service program. Considerations of hardship, equity and more effective implementation of overall policy support waiver of the competitive bidding requirements in this case.

II.

Background

1. The E-Rate Mechanism, Rules and Policy Objectives.

Pursuant to Section 254 of the Communications Act of 1934, as amended, qualifying schools may receive discounted rates for advanced telecommunications services. 47 U.S.C. § 254 and 47 CFR § 254(h). Known as "E-Rates," the discounts are determined by certain poverty indicators and the high costs normally charged for such services within the particular geographic area. 47 CFR § 54.505(b). Available discounts range from twenty percent (20%) to ninety percent (90%) of the price customarily paid for telecommunications services, such as plain old telephone services ("POTS"), Internet connectivity, two-way video conferencing services and the like. The E-Rate is designed to assist low-income and rural consumers. Its policy objectives are set forth in 47 U.S.C. § 254(b), which states in pertinent part:

* * *

(1) **Quality and rates**

Quality services should be available at just, reasonable, and affordable rates.

* * *

(4) **Equitable and nondiscriminatory contributions**

All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service.

(5) **Specific and predictable support mechanisms**

There should be specific, predictable and sufficient Federal and State mechanisms to preserve and advance universal service.

(6) **Access to advanced telecommunications services for schools, health care and libraries**

Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services as described in subsection (h) of this section.

(7) **Additional principles**

Such other principles as the Joint Board and the Commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this chapter.

* * *

Consistent with such objectives, high poverty schools are typically eligible for greater discounts than more economically advantaged schools.

Anderson provides educational services to approximately 10,500 students in east central Indiana. (See Affidavit of Randall Lee ("Affidavit"), attached hereto as Exhibit 1). Anderson falls within the lower economic strata of schools, and its E-Rate discount percentage is sixty percent (60%). Id. This corresponds to approximately \$114,000 for funding year 1999-2000. Id. Anderson

has approximately twenty (20) schools eligible for E-Rate discounts, and some are eligible for the maximum ninety percent (90%) discount. Id.

In order to receive the E-Rate, schools must file certain information with the Administrator. 47 CFR § 54.504(b)(1). Specifically, a school is required to file an application on Form 470 that sets forth, among other things, the school's technological needs and the services for which discounts are sought. 47 CFR § 54.504(b). Form 470 may be completed electronically, on-line.

The regulations mandate that the Administrator post each Form 470 that it receives on its web site. Otherwise, service providers cannot competitively bid on school contracts as the regulations require. 47 CFR § 54.504(b)(3) states in pertinent part:

The Administrator shall post each FCC Form 470 that it receives from an eligible school ... on its web site designated for this purpose.

Despite this clear mandate, based upon the Administrator's design of the Form, an applicant's Form 470 is not posted if it clicks item 10 on the Form ("Box 10").

More specifically, for the funding year 1999-2000, Form 470 would have been posted on the Administrator's site if Anderson did not click Box 10. Box 10 was the electronic mechanism for effecting the provisions of 47 CFR § 54.511(c), which exempts certain existing service contracts from the competitive bidding requirements. A contract signed on or before July 10, 1997, for example, is exempt from the competitive bidding requirements for the life of the contract. 47 CFR § 54.511(c)(i). Applicants were instructed to click on Box 10 if they sought "discounts only for eligible services based on one or more **existing, binding** contract(s)." (Emphasis original). (Here, Anderson sought discounts for the renewal of ongoing service contracts from the same provider, Ameritech Indiana ("Ameritech")). Consequently, based on Anderson's understanding of the

"existing contract" language of the instructions, Box 10 was checked.) Thus, a one-time mouse click at Box 10 on the 1999-2000 Form 470 interrupts the fully automated electronic process for posting the services requested on Form 470. Any misunderstanding of "existing, binding contracts," clerical error or other slip of the finger results in a technical violation of the competitive bid requirements since the requested services identified on Form 470 will not be posted on the Administrator's site. The Administrator may deny E-Rates to otherwise qualifying schools like Anderson as a result.

After posting the school's Form 470 on its web site, the Administrator is required to send confirmation of the posting to the school. 47 CFR § 54.504(b)(4). According to the regulations, the school must wait at least twenty-eight (28) days as eligible providers competitively bid on the services posted. Id. Once the school has signed a contract for the eligible services, it must notify the Administrator of the signed contract. Notification is accomplished by filing a Form 471 application. The school must also provide an estimate of funds needed to cover the discounts allocated to those services that qualify as eligible services. Then, the Administrator is to review Form 471 and provide notice to the school of its funding commitment decision.

2. Anderson's E-Rate Application, Its Procurement of Telecommunications Services and the Administrator's Decision.

Anderson submitted to the Administrator, electronically, three completed Form 470 applications for funding year 1999-2000: one for POTS², a second for Internet access services³ and

² Funding Request Number ("FRN") 0000188860 for POTS, a copy of which is contained in Appendix A.

³ FRN 0000188886 for Internet access services, a copy of which is contained in Appendix A.

a third in connection with teleconferencing services.⁴ In all three applications, Anderson clicked Box 10. Thus, the Administrator did not post any of the services identified in Anderson's completed Forms 470 on its web site. As a result, there was no competitive bidding by service providers and the Administrator denied the applications.

Fundamental to the FCC's consideration of reversing the Administrator's decision is the understanding that there would not have been competitive bidding even if the Form 470s had been posted. Anderson obtained POTS for 1999-2000 from Ameritech. Ameritech is the only local exchange telephone service provider in Anderson, Indiana.⁵ Ameritech is the only advanced telecommunications service provider in Anderson, Indiana, as well. Thus, as it did the preceding year, Anderson procured POTS and advanced two-way video conferencing services from Ameritech.⁶

Pursuant to the FCC's regulation, Anderson submitted its completed Form 471 applications on about April 5, 1999. On August 17, 1999, the Administrator denied all three funding requests on grounds that Anderson failed to post its requested services to the web site of the Schools and Libraries Division ("SLD") of the Administrator. On September 8, 1999, Anderson requested administrative review and, on March 31, 2000, the Administrator affirmed its denial indicating that FCC Competitive Bid Requirements for the program require that services must be posted to the

⁴ FRN 0000188905 for video conferencing services, a copy of which is contained in Appendix A.

⁵ See Affidavit.

⁶ Anderson also procured POTS from Ameritech for the current funding year 2000-2001. The Administrator approved E-Rate funding for Anderson's POTS, which had the same Form 471 cost estimates for years 1998, 1999 and 2000, for funding years 1998-1999 and 2000-2001.

Administrator's web site on a Form 470 for twenty-eight days. The denials are the subject of this Request for Review by the FCC.

III.

Discussion

1. Standard for Waiver of a Regulation.

Generally, the FCC's rules may be waived for good cause shown. 47 CFR § 1.3. The FCC may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. Northeast Cellular Telephone Company v. FCC, 897 F.2d 1164 (D.C. Cir. 1990). Additionally, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972). Waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. Northeast Cellular, 897 F.2d at 1166.

The test for whether the Administrator's funding decision should be reversed, therefore, is whether Anderson has shown such circumstances that support the FCC's waiving its competitive bidding requirements.

2. Argument.

The Administrator's decision should be reversed because instructions to Box 10 were misleading. The Administrator phrased the instructions to Box 10 of the 1999 Form 470 as if they were addressed to a lawyer, not a school administrator. Applicants were instructed to click on Box 10 if they sought "discounts only for eligible services based on one or more **existing, binding**

contract(s)." (Emphasis original).⁷ The more detailed instructions for item 10 (also available on-line) state:

Check this box ONLY IF you are seeking discounts EXCLUSIVELY for eligible services that are the subject of an **existing, written binding contract**. An existing, written binding contract is either: (1) a contract that was signed on or before July 10, 1997; OR (2) a contract that was signed as a result of filing a previous FCC Form 470 application and complying with the competitive bidding requirement under Universal Service for Schools and Libraries. (Emphasis added). (See, Instructions for Completing the Schools and Libraries Universal Service Description of Services Requested and Certification Form (FCC Form 470), p. 6 (December 1998)), attached hereto as Exhibit 2.

Anderson was seeking discounts for the renewal of ongoing contractual services from the same provider that it procured the services from the preceding funding year, 1998-1999, pursuant to the filing of Form 470s. Additionally, Anderson checked Box 10 in its previous FCC Form 470s and was deemed to have complied with the competitive bidding requirements the previous year; and, Anderson was awarded the E-Rate for these services for funding year 1998-1999. Based upon Anderson's understanding of the "existing contract" language, the instructions and its experience the previous year, Box 10 was checked. Anderson's Form 470 was not posted on the Administrator's web site as a result. For this reason alone, Anderson was deemed not to have complied with the competitive bid requirements.

Ultimately, the Administrator recognized that the 1999-2000 instructions to Box 10 were misleading. Consequently, the Administrator undertook remedial measures, and the instructions in the Administrator's Filing Year 2000-2001 Form 470 were substantially amended. The instructions are now more "user friendly" and understandable to schools. (See 2000-2001 on-line FCC Form

⁷ See Block 3, Item 10 of the on-line Form 470 for funding year 1999-2000 contained in Appendix A.

470, Block 2, Items 7-10, attached hereto as Exhibit 3). The Administrator's decision should be reversed because Anderson was misled by the earlier version of the instructions to Box 10 before the Administrator substantially amended them this year.

In the alternative, the bidding requirements should be waived since there can be no competitive bidding where, as in Anderson, Indiana, there is only one provider for local exchange telephone service and advanced telecommunications services. Fundamental to the FCC's consideration of reversing the Administrator's decision (or waiving the competitive bidding requirement) is the understanding that there could not have been competitive bidding even if the Form 470s had been posted. Anderson obtained POTS for 1999-2000 from Ameritech. Ameritech is the only local exchange telephone service provider in Anderson, Indiana. Ameritech is also the only advanced telecommunications service provider in Anderson, Indiana. Thus, as it did for funding years 1998-1999 and 2000-2001, Anderson procured POTS and advanced two-way video conferencing services from Ameritech for funding year 1999-2000. Strict adherence to the competitive bidding requirements in a case such as this, where there could not have been competitive bidding, would be nothing more than robotic adherence to the rule without giving effect to its intent or the intent of the governing statute. The bidding requirement for telecommunications services in this case is meaningless and should be waived.

The Administrator's decision should also be reversed because the Administrator failed to fulfill its duty under the rules. The FCC's rules expressly require that the Administrator post each Form 470 that it receives as follows:

The Administrator shall post each FCC Form 470 that it receives from an eligible school, library, or consortium that includes an eligible school or library on its website designated for this purpose." 47 CFR § 54.504(b)(3). (Emphasis added).

This language does not leave the Administrator with any discretion. Nonetheless, the Administrator shifted its duty to Anderson. The means for effecting posting of Anderson's Form 470s, and thus, compliance with the competitive bid requirements, was literally placed by the Administrator in Anderson's hands. Since Anderson clicked Box 10 on the Form 470 applications, Anderson's Form 470s were not posted on the Administrator's web site. Anderson respectfully submits that it strictly adhered to the Commission's rules by submitting the applications. Anderson was required to complete the Form 470 applications and submit them to the Administrator. Anderson did that. Anderson should not be penalized for the harmless error it committed in what essentially amounted to a good faith effort to carry out the Administrator's responsibility of posting the Forms on the Internet.

A Universal Service mechanism that denies Anderson E-Rate assistance under these circumstances is not consistent with the public interest and violates the principles underlying the Universal Service program. The principles upon which Universal Service is based speak for themselves. They are set forth in 47 U.S.C. § 254(b) and 47 CFR § 254(b), and include:

- (1) Quality services should be available at just, reasonable, and affordable rates.
- (2) All providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of Universal Service.
- (3) There should be specific, predictable and sufficient Federal and State mechanisms to preserve and advance Universal Service.
- (4) Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services as described in subsection (h) of this section.

- (5) Such other principles as the Joint Board and the Commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this chapter. (Emphasis added).

These principles were not implemented when the Administrator denied Anderson's E-Rate applications. Some of Anderson's high poverty schools are eligible for the highest discounts available under the E-Rate program. As a result of the Administrator's denial of Anderson's funding request, Anderson's operating budget has been reduced by approximately \$114,000, and the provisioning of educational and extra-curricular services to Anderson's students has been discounted proportionally. Clearly, this is not consistent with the public interest and may serve only to broaden the "digital divide." Moreover, the only beneficiary of the Administrator's decision is Ameritech, the monopoly provider of telecommunications services in Anderson, Indiana.

Anderson received E-Rate assistance for funding year 1998-1999 and a funding commitment for 2000-2001. The Administrator's decision to deny Anderson E-Rates for 1999-2000 did not operate to preserve and advance Universal Service as required by law. A reversal of the denial or waiver of the competitive bidding requirements in this case would. The denial of E-Rates for 1999-2000 was an unpredictable anomaly interfering with an otherwise sound pattern of financial assistance provided Anderson in 1998 and 2000. Only Anderson's harmless error, a one-time click of a mouse, which was according to Anderson's understanding of the instructions and made sense based on Anderson's previous FCC E-Rate application experience, caused an interruption and delay in information technology hook ups and plans for its schools. Anderson and its students will suffer hardship in connection with Anderson's provisioning of education and extra-curricular services unless the decision is reversed, or the competitive bidding requirements are waived.

IV.

Conclusion

For all of the above reasons, the FCC should reverse the Administrator's decision or, in the alternative, waive its competitive bid requirements as to the services Anderson requested by way of its 1999 Form 470 applications and direct approval of the applications.

Respectfully submitted,

ANDERSON COMMUNITY SCHOOL
CORPORATION

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served by first class United States mail, postage prepaid, this 27th day of April, 2000, upon the following:

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read "Michael A. Myers", is written over a horizontal line.

Michael A. Myers, Esquire

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Request for Review by)	
Anderson Community School Corporation)	Application No. 119615
Anderson, Indiana,)	
of the Decision of)	CC Docket No. 96-45
the Universal Service Administrator)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 97-21
)	
Changes to the Board of Directors)	
of the National Exchange Carrier)	April 27, 2000
Association, Inc)	
)	

DECLARATION UNDER 47 CFR § 1.16

I, Randall Lee, do hereby state that:

1. I am the Assistant Business Manager for Anderson Community School Corporation ("Anderson"). I have been involved, directly or indirectly, with administering Anderson's E-Rate application materials and information for funding years 1998-1999, 1999-2000 and 2000-2001. I am presently the contact person for such administration.

2. Anderson provides educational services to approximately 10,500 students in east central Indiana. Anderson has approximately twenty (20) schools (or entities) eligible for the E-Rate discounts. Approximately fourteen (14) of Anderson's schools may be considered as "high poverty," having a discount rate of sixty percent (60%) or higher.

3. E-Rates for which Anderson schools are eligible range between forty percent (40%) and ninety percent (90%). Anderson's consolidated E-Rate discount percentage for funding year 1999-2000 was sixty percent (60%). Some of Anderson's schools are eligible for the maximum

ninety percent (90%) discounts. A list of the schools and corresponding data, including E-Rate discounts, is set forth in attached Exhibit A.

4. Ameritech is the only local exchange telephone service provider in Anderson, Indiana. Ameritech is the only advanced telecommunications service provider in Anderson, Indiana, as well. Anderson procured local exchange telephone services and advanced telecommunications services from Ameritech for funding years 1998-1999, 1999-2000 and 2000-2001.

5. Form 471 cost estimates for local exchange telephone services and advanced telecommunications services for the funding years identified in paragraph 4 above were substantially the same. There was no competitive bidding for these services for funding years 1998-1999, 1999-2000 and 2000-2001, because there are no competitors in the Anderson, Indiana area. Anderson received E-Rate assistance for funding years 1998-1999 and 2000-2001 for POTS and advanced two-way video conferencing services.

6. On August 17, 1999, the Universal Service Administrator denied Anderson's E-Rate funding requests for funding year 1999-2000 on the grounds that Anderson did not meet Federal Communication Commission competitive bidding requirements.

[INTENTIONALLY LEFT BLANK]

7. As a result of the Administrator's denial of Anderson's funding request, Anderson's operating budget has been reduced by approximately \$114,000, and the provisioning of educational and extra-curricular services to Anderson's students has been reduced proportionally.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on April 26, 2000.



Randall Lee, Assistant Business Manager
Anderson Community School Corporation

School Name	# of Students	# Eligible NSLP	Discount rate	# of Students	District Discount
Killbuck Elementary	309	32	40%	123.6	
Forest Hills Elementary	306	146	60%	183.6	
Edgewood Elementary	302	104	60%	181.2	
Greenbriar Learning Community	195	99	60%	117	
Twenty-fifth Street Elementary	388	187	60%	232.8	
North Side Middle School	741	250	60%	444.6	
East Side Middle School	753	247	50%	376.5	
Park Place Elementary School	252	168	80%	201.6	
Tenth Street Elementary	561	187	50%	280.5	
Highland High School	1529	330	50%	764.5	
College Corner Elementary	333	78	50%	166.5	
Anderson High School	1597	403	50%	798.5	
Meadowbrook Elementary	268	122	60%	160.8	
Southview Elementary	250	94	60%	150	
Robinson Elementary	563	428	90%	506.7	
Westvale Elementary	240	221	90%	216	
South Side Middle School	920	374	60%	552	
Valley Grove Elementary	644	249	60%	386.4	
Morgan Fenner Elementary	282	232	90%	253.8	
New Futures Learning Center	41	29	80%	32.8	
Total	10474			6129.4	0.585201451

**Schools and Libraries Universal Service
Description of Services Requested and Certification Form**

Estimated Average Burden Hours Per Response: 6 hours

**Instructions for Completing the
Schools and Libraries Universal Service
Description of Services Requested and Certification Form (FCC Form 470)**

NOTICE TO INDIVIDUALS

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries requesting universal service discounts to file--individually, or as a district or system, or as a consortium--this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, which is the Schools and Libraries Corporation. 47 C.F.R. § 54.504. On January 1, 1999, the Schools and Libraries Corporation will be merged with the Universal Service Administrative Company. For purposes of this form, the Universal Service Administrator will be referred to as the "SLC" or "fund administrator." The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data collected in FCC Form 470 will be used to ensure that schools and libraries and any consortia they comprise comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information requested on this form, the processing of your application may be delayed or your application may be returned to you without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, *et seq.* An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Public reporting burden for this collection of information is estimated to average six hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send

comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden, to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

I. INTRODUCTION

On May 7, 1997, the Commission adopted rules providing discounts on all telecommunications services, Internet access, and internal connections, referred to henceforth as "eligible services" for all eligible schools and libraries. Section 54.504 of the Commission's rules requires all schools and libraries planning to order services under this discount mechanism to participate in a competitive bidding process except to the extent that they are bound by an existing contract for eligible services. 47 C.F.R. § 54.504. To the extent that they are not bound by an existing contract, Section 54.504 of the Commission's rules requires schools and libraries to describe the services they plan to order on this form prior to actually ordering the services. 47 C.F.R. § 54.504. The Universal Service Administrator will ensure that the information is disseminated in a manner likely to attract competing providers. The filing of this form with the Universal Service Administrator will fulfill the competitive bidding requirement and schools and libraries may sign contracts for services eligible for discounts 28 days after the descriptions set forth in Form 470 are posted on the SLC Web Site, <<http://www.slcfund.org>>. The administrator will notify the applicant of the date that the applicant's request is posted and the date on which the 28 day waiting period ends. Those with questions about this application may call toll-free 1-888-203-8100.

II. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS

A. Who Must File.

All schools and libraries, or consortia acting on behalf of schools and libraries, requesting discounts on telecommunications services, Internet access, and internal connections, hereinafter "eligible services," pursuant to the universal service discount mechanism must file FCC Form 470. The entity that will negotiate with potential service providers should complete FCC Form 470. For example, if a school district negotiates with potential service providers on behalf of the schools in the district, an authorized person from the district should complete the form. Similarly, if a regional entity negotiates on behalf of a number of school districts, an authorized person for that regional entity should complete this form.

For purposes of the universal service discount mechanism, schools must meet the statutory definition of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 8801(14) and (25). An elementary school is "a non-profit day or residential school that provides elementary education, as determined under state law." 47 C.F.R. § 54.500(a). A secondary school is "a non-profit day or residential school that provides secondary education, as determined under state law. A secondary school does not offer education beyond grade 12." 47 C.F.R. § 54.500(l). In addition, eligible elementary and secondary schools may not have endowments exceeding \$50 million. 47 C.F.R. § 54.501(b)(3).

Libraries must meet the statutory definition of library or library consortium found in the Library Services and Technology Act, Pub. L. No. 104-208, sec. 211 *et seq.*, 110 Stat. 3009 (1996) (LSTA) and must be eligible for assistance from a state library administrative agency under that Act. A library includes: "(1) a public library; (2) a public elementary school or secondary school library; (3) an academic library; (4) a research library, which for the purposes of this definition means a library that: (i) makes publicly available library services and material suitable for scholarly research and not otherwise available to the public; and (ii) is not an integral part of an institution of higher education; and (5) a private library, but only if the state in which such private library is located determines that

the library should be considered a library for purposes of this definition." 47 C.F.R. § 54.500(d). A library's eligibility for universal service funding also depends on its funding as an independent entity. **Only libraries whose budgets are completely separate from any schools are eligible to receive discounted services** under the universal service support mechanism. 47 C.F.R. § 54.501(c)(2). For example, an elementary school library would only be eligible to receive discounted services if its budget were completely separate from the elementary school. If its budget were not completely separate from the elementary school, the elementary school library would not be eligible for support independent from the school with which it is associated, although it would be eligible to share in the benefits of the support secured by the elementary school.

A library consortium is "any local, statewide, regional, or interstate cooperative association of libraries that provides for the systemic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improving services to the clientele of such libraries." 47 C.F.R. § 54.500(e).

B. Where and When to File.

FCC Form 470 must be filed with the Universal Service Administrator **either electronically at the SLC Web Site, <<http://www.slcfund.org>>, or at the address listed at the bottom of the form: Schools and Libraries Corporation-Form 470, P.O. Box 7026, Lawrence, Kansas 66044-7026.** For express delivery or U.S. Postal Service Return Receipt Requested, send to: Schools and Libraries Corporation-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66044-5444. **DO NOT FILE THIS OR ANY OTHER UNIVERSAL SERVICE FORM WITH THE FEDERAL COMMUNICATIONS COMMISSION.** An applicant seeking support for eligible services not covered by an existing contract must wait at least 28 days from the date that the applicant's Form 470 is posted to the SLC Web Site before the applicant can sign a contract for these services, or enter into an agreement to obtain tariff services; only then can the applicant initiate the next step in the application process, the filing of FCC Form 471. An applicant seeking support for eligible services that ARE covered by a qualified pre-existing contract must also wait at least 28 days before initiating the filing of FCC Form 471. Upon receipt of FCC Form 470, the administrator will notify the applicant of the date after which it may sign a contract or enter into an agreement for new services or file FCC Form 471 pursuant to a qualified pre-existing contract. 47 C.F.R. §54.504(b)(3).

C. Compliance.

Schools and libraries filing false information are subject to penalties for false statements, including fine or imprisonment, under Title 18 of the United States Code, 18 U.S.C. § 1001. Applicants should retain the worksheets and other records they use to compile these forms for three years. Thus, if applicants represent multiple billed entities, collect data from those entities, and add up that data, they should retain those data sheets for three years. If an applicant is audited, it should be able to demonstrate to the auditor how the entries in its application were provided.

III. SPECIFIC INSTRUCTIONS

You are encouraged to fill this form out electronically, on-line. The Form is posted on the SLC Web Site at <<http://www.slcfund.org>>, accompanied by instructions for filing on-line using the Web Site. If you file manually, using paper copies of the application, please type or clearly print in the spaces provided and attach additional pages if necessary. No FCC Form 470 applications will be accepted if sent via e-mail or fax. Further information is available from the fund administrator's Client Service Bureau at 888-203-8100; via e-mail, question@slcfund.org; or via fax, 888-276-8736. You may file more than one FCC Form 470. For example, you may file one FCC Form 470 for internal connections, one for Internet access, one for high bandwidth video conferencing, and one for other

telecommunications services, or you may file a single FCC Form 470 seeking all of these services. Also, an individual school or library may be covered by more than one FCC Form 470 filed by different consortia for different services.

A. Block 1: Applicant Address and Identifications.

Block 1 of FCC Form 470 asks you for your address and basic identifications. "You" refers hereinafter to applicant -- eligible schools and libraries and those filing on their behalf.

Item (1) - Provide the name of your organization. You may be an individual school, a school district, a library, library system, library consortium, city, state, consortium or other entity created solely to participate in this universal service discount mechanism.

Item (2) - Provide the funding year, i.e., calendar year, for which you are applying for funds (e.g., "1999").

Item (3a) - If you are an individual school, provide the 12-digit code number that the National Center for Education Statistics (NCES) has assigned to you. If you do not know your code, you can find it in one of three ways:

- If you are filing FCC Form 470 electronically, use the search system built into the on-line application form. It permits you to enter your zip code and then select from the list of schools in your zip code. When you select your school, the system will insert the appropriate code in this box.
- If you are filing manually, you can look for your code number on the NCES Web Site at <http://www.nces.ed.gov/ccdweb/school/school.asp>.
- If you do not have access to the Internet or World Wide Web, please call the Client Service Bureau toll free at 1-888-203-8100.

If you have not been assigned a NCES Code, you may leave this Item blank.

Item (3b-3c) - The administrator will insert your "Universal Service Control Number" and your "Applicant ID Number" (which refers to the entity that negotiates with service providers and/or vendors on the requested services described in this application). Leave these items blank.

Item (4a) - Check the box that best describes you. A "library consortium under the LSTA" refers to a library consortium as defined in the Library Services and Technology Act. See section II.A of these instructions, above. If you are ordering services as a consortium of schools, libraries, or other entities (other than a library consortium, as defined by the LSTA), you should check the fourth box.

Item (4b) - If you are ordering services as part of a consortium, you should also check ALL boxes in Item (4b) that apply. Please note the following, when completing Item (4b):

- If your consortium includes non-governmental entities that are ineligible for support, you should check that box. (Note: Consortium members eligible for universal service support as rural health care providers should be treated as eligible for support for the purpose of these categories). If your consortium includes ineligible entities (that is, entities that are NOT eligible for universal service support for schools and libraries or rural health care providers), please note that you cannot negotiate pre-discount prices below tariff rates for interstate services from incumbent local telephone companies.
- If your consortium intends to treat its contract as a master contract, with separate members of the consortium receiving and responsible for paying their own, separate bills for services under contract, you should check the box that indicates "entity desires separate bills for each member of the consortium." Individual consortium members would then each be required to complete a separate FCC Form 471, since each individual consortium would be a "billed

entity." For example, if a state education agency wishes to negotiate a master contract, the state agency would be the FCC Form 470 applicant, but each school or district that purchases services from that master contract will complete its own separate FCC Form 471 application.

- If your consortium represents a region within a state, an entire single state, or a multi-state group, check the appropriate box.
- If your consortium is a state or local educational agency or an educational service agency, as those terms are defined in 20 U.S.C. § 8801, you should indicate this by checking the appropriate box. Note that school districts should NOT check the box for "local educational agency."
- Non-profit 501(c)(3) organizations are NOT governmental entities.

Item (5) - Provide your organization's full mailing address, whether a street address, Post Office Box number, or route number, your telephone number, and e-mail address (if you have one). If possible, please use a street address so that, if it becomes necessary, the fund administrator can mail information to the applicant via express delivery mail.

Item (6) - Provide the name of the person who should be contacted with questions about the application. This person should be able to answer questions regarding the information included on this form and the services you request, including how to obtain a copy of your request for proposal (RFP), if you have prepared one. (See Item (11) below for more information.) If the contact person address is different from the address of the applicant (completed in Item (5)), you must complete the address information for the contact person. If possible, please use a street address so that, if it becomes necessary, the fund administrator can mail information to the contact person via express delivery mail. You **MUST** complete the preferred mode of contact and the available contact data (i.e., telephone number, fax number or e-mail address). **ALSO**, if you are filing this application manually, to help alleviate problems caused if the pages of an application become separated, please provide the name and phone number of the contact person at the top of each page of the application.

B. Block 2: Other Characteristics of Applicant.

Block 2 of FCC Form 470 asks you to provide information about you that can help service providers determine whether you are the type of customer that they may be able to serve well.

Item (7a) - If your applicant group includes eligible K-12 schools, provide the total number of students in those schools.

Item (7b) - If your applicant group includes eligible libraries, provide the approximate number of patrons served as defined by either the census population within your service area or the number of cardholders you serve.

Item (8) - Provide the approximate total number of buildings for which you seek some eligible telecommunications, Internet access or internal connections service.

Item (9) - Provide the approximate total number of rooms for which you seek service.

C. Block 3: Summary Description of Needs or Services Requested.

Block 3 of FCC Form 470 asks you to describe the services you desire. Like Block 2, this information can help service providers determine whether you are the type of customer that they may be interested in serving.

Item (10) - Check this box **ONLY** IF you are seeking discounts **EXCLUSIVELY** for eligible services that are the subject of an **existing, written binding contract**. An existing, written binding contract is either: (1) a contract that was signed on or before July 10, 1997; OR (2) a contract that was signed as a result of filing a previous FCC Form 470 application and complying with the competitive bidding requirement under Universal Service for Schools and Libraries.

- Fill in the date that the contract was signed and the termination date for the contract. You may attach a separate sheet of paper containing a list of the those dates, if there is not enough space on the application form.
- If you have more than one existing contract, please list all of them even if the date that the contracts were signed and the termination date for the contracts are the same. You can then skip the remainder of Block 3.

DO NOT CHECK THE BOX in Item (10) if you are seeking discounts for some services that are the subject of existing, written binding contracts and some services that are not the subject of an existing, written binding contract.

IMPORTANT NOTE REGARDING TELECOMMUNICATIONS SERVICES: Often, telecommunications services provided by telecommunications companies are purchased at prices ("rates") regulated by your state regulatory commission and/or the FCC. These regulated telecommunications services do not involve formal, written contracts. These services are known as "tariff services." If you are currently purchasing telecommunications services in accordance with a tariff, and you have not signed a written, binding contract, you cannot treat this service arrangement as an existing contract. While all types of telecommunications services, including local and long distance services, are eligible for universal service discounts, you **MUST** seek competitive bids from providers of such services. If you do not have an existing, binding written contract for the telecommunications service for which you are seeking discounts, **DO NOT** check Item (10). You must include a description of the services you seek in Item (12) below to give every service provider the opportunity to offer you services.

Item (11) - Check this box if you have prepared a formal RFP for any of the requested services described in this application. If your RFP is posted on a web site, provide the website address where it is posted. If the RFP is not posted on a web site, your contact person (listed in Item(6)) must be able to provide it--as of the same date that your FCC Form 470 is posted--to service providers that request copies of your RFP.

Items (12-14) - All applicants, except those seeking discounts only for existing written, binding contracts, should fill out Items (12-14). (See Item (10) above for more information about which contracts meet the definition of an existing written, binding contract). For Items (12-14), you must provide particular information about the services you currently receive and additional services that you are interested in receiving in the future. If some, but not all, of the services for which you are seeking discounts are covered by a binding existing contract, you should explain that situation in the "Details" Column, Column 5, of Items (12-14). You should provide the relevant information in Items (12-14) to enable service providers to determine whether to submit a bid or contact you for further information. **YOU MAY FIND THAT NOT ALL CATEGORIES OR ROWS APPLY TO YOUR SPECIFIC NEEDS. COMPLETE ONLY THE CATEGORIES RELEVANT TO YOUR REQUEST FOR SERVICES, AND USE THE "SPECIFY OTHER (OPTIONAL)" ROWS AS NEEDED TO CLARIFY INFORMATION.**

The specific data requested in Items (12-14) are sought only to provide potential service providers with information so that they may contact you for detailed information on your specific requirements. This requirement is not intended to restrict your ability to contract for whatever technologies best meet your educational purposes as authorized by FCC rules and the Telecommunications Act of 1996. It is important that you complete all rows that are relevant to your requested services, so that

the fund administrator can confirm that you have met the competitive bidding requirement before signing any contracts for services for which discounts are requested in FCC Form 471.

Item (12) - Describe your needs with respect to telecommunications services to be provided by one or more telecommunications providers. Telecommunications is the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received. 47 U.S.C. § 153(43), 47 C.F.R. 54.5. All commercially available telecommunications services are eligible for support under the universal service discount mechanism. 47 C.F.R. § 54.502. For example, local and long distance telephone services are generally considered telecommunications services. As another example, high speed transmission lines over the public switched telecommunications network leased from a telecommunications provider to connect different locations to one another over a wide area network, or private line facilities leased from a telecommunications provider to connect different locations, would be listed here as a telecommunications service.

Items (12a-12d) list specific data that should help service providers assess the types and quantities of telecommunications that you may desire to purchase.

Item (12a) - Provide the number of telephones (or fax machines or other devices that may terminate or originate what are commonly considered "calls") that have service or for which you would like service. Do not include "extension" phones in Columns 2-4, but you should indicate that number in Column 5. Extension phones are phones associated with the same phone number. For example, if a library has two telephone numbers, but four telephones, then it should place the numeral (2) in Column 2 and write in "2 extensions" in Column 5.

Item (12b) - Provide the number of computers for which you have or will be requesting telecommunications-related service. This number includes those that are already linked to other computers and those that you would like to link to other computers. These computers would not, necessarily, be connected to the Internet.

Item (12c) - Provide the number of high bandwidth video conferencing links you currently maintain or desire.

Item (12d) - (Optional) You may specify any other telecommunications applications or services which you already receive or which you may wish to receive, or you may use this row to better describe the overall telecommunications services that you are requesting.

Items (12-14, Column 2) - In the second column in Items (12-14), labeled "Existing Service," provide information on the services that you already receive. For example, if you currently purchase service for seven phones, you would fill in "7" under Item (12a), Column 2.

Items (12-14, Column 3) - In the third column in Items (12-14), labeled "Additional Services Desired," you must provide information on the additional services you seek. For example, if you already have one high bandwidth video conferencing link, but want to add four more such links, you would fill in "4" under Item (12c), Column 3.

Items (12-14, Column 4) - Use the fourth column in Items (12-14), labeled "Total Services Desired," to total your existing service plus the desired additional services to yield your total desired level of service. For example, if you have 12 computers connected to the Internet and want to add connections for 24 more computers to permit connections for a total of 36 computers, then you would insert "36" in Column 4 of Item (12b).

Items (12-14, Column 5) - You may use Column 5 to provide additional detailed information that may assist potential service providers in assessing your request for services. Also, you should use this space to indicate those services for which you already have an existing, written binding contract and for which you are NOT seeking additional bids. While providing information in the Column 5 is optional, we strongly encourage applicants to identify which services listed may already be subject to an existing, written binding contract.

Item (13) - Describe your needs with respect to internal connections. A given service is generally eligible for support under the universal service discount mechanism as a component of internal connections if it is necessary to transport information within one or more instructional buildings of a single school campus or within one or more non-administrative buildings that comprise a single library branch. 47 C.F.R. § 54.506. For example, routers, hubs, network file servers and network operating software are eligible for discounts as components of internal connections. Computers, modems, fax machines, video monitors, and other equipment used in classrooms or throughout a library (at the endpoints of the communications network) are not eligible for discounts.

Item (13a) - Provide the number of different buildings for which you have or seek at least some internal connections. Note that, if you only seek to connect additional rooms in buildings that are already at least partially connected, then you would place a "0" in Column 3, because you would not be seeking internal connections for any *additional buildings*. You would indicate your desire to connect additional rooms in Item (13b, Column 3).

Item (13b) - Provide the total number of rooms that are already connected or which you want to have connected.

Item (13c) - Indicate the highest line speed you have or seek for your internal connections, for example, 10 Mbps.

Item (13d) - (Optional) You may specify any other internal connections, applications, or services that you already receive or that you seek.

Item (14) - Describe your requests for services for Internet access. Basic conduit non-content access to the Internet is eligible for support under the universal service discount program. 47 C.F.R. § 54.5.

- It is possible for you to request both dial-up AND direct, dedicated connections for Internet access. In this situation, you would complete Items 14a-14d.
- If you are seeking only dial-up connections for Internet access, complete Items 14a and 14b.
- If you are seeking only direct, dedicated connections for Internet access, complete Items 14c and 14d.
- Please note that, while schools and libraries may obtain universal service discounts on access to the Internet, discounts are not available on the separate charges for particular proprietary content or other information services or on a bundled package of access and content, unless the bundled package includes minimal content and provides a more cost-effective means of securing non-content access to the Internet than other non-content alternatives.

Item (14a) - Provide the number of dial up connections to the Internet that you have or seek. This would include the number of "subscriptions" that you have or seek that allow simultaneous connections to the Internet by dialing a particular telephone number of an Internet service provider.

Item (14b) - Indicate the highest speed of such dial up connection to the Internet that you have or seek, for example, 28.8 kbps.

Item (14c) - Provide the number of direct connections to the Internet that you have or seek. Direct connections to the Internet are dedicated links that go directly to an Internet service provider and are not available for ordinary voice phone calls.

Item (14d) - Indicate the highest speed of such direct connections to the Internet that you have or seek, for example, 56kbps or T-1.

Item (15) permits you to provide brief additional information describing the services you are requesting for the current funding year. This may include technical information or an informal description of the your telecommunications-related goal, or a brief summary of the entire package of services you are requesting for this funding year. For describing details about services you expect to seek in the future, please complete Item (17).

Item (16) asks you to indicate whether you are subject to any state or local restrictions regarding how and when you may be contacted by potential providers and what bidding procedures they must follow. For example, state bidding requirements might prohibit contacts between bidders and buyers between the time an official RFP is issued and when bids are due, or they may allow only written contacts. Applicants must comply with any applicable state or local requirements when participating in the competitive bidding process used in the universal service discount mechanism. If you are subject to any state or local restrictions, you must check the box in Item (16) and provide a description of the restrictions or procedures. Alternatively, you may list a web site where state or local restrictions can be found and a contact person (and contact information) who can provide the state or local restrictions AND the applicable bidding procedures to service providers without Internet access.

Item (17) - You may provide information on your plans to purchase additional services in future years. This information may encourage service providers to contact you even when you may not represent an especially financially attractive customer in the near term, if you will represent a financially attractive customer over a longer period of time. Providing this information is optional.

D. Block 4: Technology Assessment.

Block 4 of FCC Form 470 asks you to provide an assessment of the technologies that you will need to use the services you request by checking off the appropriate boxes, unless you are only seeking support for basic voice telephone service, which includes local and long distance toll service. In that case, you should check the box indicated and skip the remainder of Item (18). If you are seeking support for any services in addition to basic voice telephone service, however, you must check off at least one box for each of the Items (18a-18e). You may check off both boxes in each case.

Items (18a-18e) - All of the services and facilities listed in Items (18a-18e) are ineligible for support under the universal service discount mechanism. Each of the services and facilities listed, however, is necessary to make effective use of the telecommunications services, Internet access, and internal connections that are eligible for discounts. You do not need to certify that you have already secured all of the technologies needed to use your discounted services effectively until you file FCC Form 471, but Items (18a-18e) require you to assess the technologies that you have or will need. FCC Form 471, which you will also need to file to receive discounts, requires you to certify that you have secured or budgeted to secure adequate amounts of those resources to utilize effectively the services requested. If you are seeking to purchase any of the technologies indicated in Items (18a-18e), you may also provide additional details in the space at the bottom of Block 4 to help providers of desired technologies contact you with bids. If you are purchasing such ineligible services and facilities, however, you should try to do so through contracts separate and apart from those used

to purchase services eligible for universal service discounts, to avoid confusion when completing and submitting your FCC Form 471 application for services ordered.

Item (18a) - Indicate whether you have secured or are in the process of securing access to the necessary software for the computers that will use eligible services. For example, computers that will be connected to the Internet will probably need "web browsers." You should note that, although the software for the computers used in classrooms and other endpoints is not eligible for support, the software necessary to operate the networks used to transport information to the classroom is an eligible service.

Item (18b) - Confirm that you have or are securing access to sufficient electrical capacity to handle the computers and other telecommunications-related facilities you will be using to access the discounted services.

Item (18c) - Confirm that you have purchased or are arranging to purchase sufficient numbers of computers to use the discounted services effectively. Applicants should note that, as with computer software, while the computers used in classrooms are not eligible for discounts, those used as network file servers would, generally, be eligible for support.

Item (18d) - Confirm that you have secured or are attempting to secure appropriate maintenance for your computer hardware.

Item (18e) - Confirm that you have arranged for or are arranging to secure the staff development necessary to use the discounted services effectively.

E. Block 5: Listing Consortium Participants.

Block 5 requires applicants to list the billed entities that will receive services described in Block 3. If you are filing your FCC Form 470 electronically on-line, please review the on-line instructions for completing this information.

Item (19) - Eligible Entities (Billed Entities).

- Each eligible entity that is also a billed entity covered under this FCC Form 470 application must be listed in Item (19).
- An entity is an eligible entity if it meets the eligibility criteria for obtaining discounts. Please refer to Section II.A. above for more information about eligible entities.
- An eligible entity is a "billed entity" if the entity meets either of the following conditions:
(1) The entity is responsible for remitting payments to a service provider for services delivered; or
(2) The entity is responsible for reimbursing a billed entity for the portion of services that the entity receives.

Please consider the following when completing Item (19).

- If you are an individual school or library responsible for paying for the services that you receive or reimbursing a billed entity for those services, complete a row of Item (19) for yourself.
- If you are an individual school or library and your bills from service providers are paid by your school district or library system, the name of the billed entity responsible for paying the bills should be listed in Item (19) and your zip code (the zip code of the individual school or library) should be listed in the last column under "Zip Codes of Recipients of Service."

- If you are a school district or library system, and the individual schools or libraries covered in this application will be responsible for paying their own bills or reimbursing you for these services, list each school or library on a separate line in Item (19).
- If you are a state or regional agency filing FCC Form 470 on behalf of school districts or library systems, and each district or system will be a billed entity responsible for paying the service providers or reimbursing you for the services delivered to the district or system, list each school district or library system on a separate line in Item (19) and identify the zip codes of all schools or libraries within each district or system that will be receiving services under the column labeled "Zip Codes of Recipients of Service."
- If you are a state or regional agency, or other consortium filing FCC Form 470 on behalf of some but not all of the schools, school districts or library systems in your state, each of which is a billed entity, list each billed entity (that is, school, school district or library system) on whose behalf you have filed this application, on a separate line in Item (19). Please list the Zip Code of each school or library within each district or system that will be receiving the services covered under this application in the column labeled "Zip Code of Recipients of Service."
- If you are an all-inclusive statewide consortium filing FCC Form 470 on behalf of all public schools, all non-public schools, all eligible libraries, or all public school districts in your state, and you are filing electronically on-line, you can select the appropriate statewide checkbox in Item (19) to avoid having to manually enter the information for each billed entity. However, you must mail a list of all entities covered by your application, along with their zip codes and the zip codes of the recipients of services, to the fund administrator, along with your signed and completed Block 6 Certification (please see the instructions for Block 6, below).
- If you are a consortium of multiple billed entities, you should list each billed entity separately in Item (19). However, if your consortium includes more than 500 eligible billed entities, and you are filing electronically on-line, you are not required to enter each entity manually in Item (19). Instead, you must send a list of Eligible Entities (Billed Entities) that are covered by your application, along with their zip codes and the zip codes of the recipients of services, to the fund administrator, along with your signed and completed Block 6 Certification (please see the instructions for Block 6, below).

Item (19, Column 1) - For each billed entity, provide the billed entity's name in Column 1.

Item (19, Column 2) - For each billed entity, provide the billed entity's zip code.

Item (19, Column 3) - The administrator will insert a billed entity code in this column, so you should leave this column blank.

Item (19, Column 4) - You should list all of the zip codes (but not the names) of recipients of service that are represented by the billed entity. For example, a school district or library system should supply all of the different zip codes in which its schools or library branches are located.

Item (20) - Provide information about members of the consortium that are not eligible to receive universal service discounts under the schools and libraries universal service support mechanism. Only eligible schools and libraries may receive discounted services, so if the consortium includes entities such as health care providers, governmental entities, or private sector entities, you must list these entities in Item (20). For each ineligible entity, provide the zip codes where it seeks service, a contact person, and either a phone number, e-mail address, or alternative method of contact.

F. Block 6: Certifications and Signature.

Block 6 requires you to certify certain information to ensure that only eligible entities receive support under the universal service discount mechanism.

Item (21) - Certify that you are an eligible school or library. If your application is on behalf of one or more schools and all of the information in Item (21a) is true of those schools seeking to receive discounted services, you should check the box in Item (21a). If your application is on behalf of one or more schools and any of the information in Item (21a) is not true for the schools seeking to receive discounted services, those schools are not eligible to receive support under the universal service discount mechanism, and you should not check this box.

If your application is on behalf of one or more libraries or library consortia and all of the information in Item (21b) is true of the libraries seeking to receive discounted services, you should check the box in Item (21b). If your application is on behalf of one or more libraries or library consortia and any of the information is not true for the libraries or library consortia seeking to receive discounted services, those libraries or library consortia are not eligible to receive support under the universal service discount mechanism, and you should not check this box.

Items (22 and 23) concern the technology plans that must be prepared before schools and libraries may apply for discounted services under the universal service support mechanism. The only schools and libraries that do not have to comply with the technology plan requirement are those requesting support for ONLY basic voice telecommunications service (including local and long distance services). Note also that consortia and some other billed entities do not have to be covered by technology plans as long as all of the schools and libraries seeking discounts that they represent are covered by technology plans.

Item (22) - If all of the schools, libraries, and library consortia listed in Item (19) are covered by individual or multi-entity technology plans for the services requested in your application, you should check the box in Item (22). Technology plans that have been approved for other purposes, e.g., for participation in federal or state programs such as "Goals 2000" and the Technology Literacy Challenge, will be accepted without need for further independent approval.

Item (23) - Indicate either that the technology plan(s) that covers you has been approved (Item (23a)) or that you are currently seeking approval of your technology plan(s). If you are seeking approval from a state or other authorized body, you should check the box in Item (23b). Please note that the fund administrator does not review technology plans. Instead the fund administrator certifies authorized reviewers of technology plans. Please check Item (23c) if you intend to contact the fund administrator to obtain the name of a certified reviewer to submit your technology plan for review and approval. PLEASE DO NOT SEND ANY TECHNOLOGY PLANS TO THE FUND ADMINISTRATOR WHEN YOU SUBMIT THIS APPLICATION.

Item (24) - Certify that services you order pursuant to the universal service discount mechanism must and will be used for educational purposes only and that the services will not be sold, resold, or transferred in consideration for money or any other thing of value.

Item (25) - Certify that you recognize that any support received under this mechanism is conditional upon the ability of your school(s) or library(ies) to secure access to all of the resources, including computers, training, software, maintenance, and electrical connections, necessary to use effectively the services that will be purchased under this mechanism. On FCC Form 471, you will need to certify that you have access to such funding.

Item (26) requires the person authorized to complete FCC Form 470 to certify to the accuracy of the form. The completed form must be completed electronically at the SLC Web Site

<<http://www.slcfund.org>> or completed manually and submitted to: **Schools and Libraries Corporation, P.O. Box 7026, Lawrence, Kansas 66044-7026.** For express delivery or U.S. Postal Service Return Receipt, send to **Schools and Libraries Corporation, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046-5444.** **No FCC Form 470 applications will be accepted via e-mail or fax.**

Item (27): For applicants filing electronically:

- When you have completed this form, but before you select the "submit" button at the bottom of Block 6, use your browser to print each page of the application so that you may retain this copy for your records. If you do not print each page of the application before you "submit," you will NOT have a record of your application.
- You MUST print the Block 6 Certification and submit the signed Certification to the SLC. When you print Block 6 using the browser, the form will automatically include your Form 470 Universal Service Control Number, Applicant Name, and Applicant Address.
- If you have problems printing Block 6, you may use a paper copy of Form 470, and complete page 1 of the application AND page 6 of the application. Make sure that you put your 471 Universal Service Control Number on the top of page 1 and page 6.

For all applicants filing this form, either manually or electronically:

Item (27) must be signed by the person who will certify to the accuracy of the information on the form. Mail the signed Block 6 to: **Schools and Libraries Corporation-Form 470, P.O. Box 7026, Lawrence, Kansas 66044-7026.** For express delivery or U.S. Postal Service Return Receipt Requested, send to: **Schools and Libraries Corporation-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046-5444.** Note: Electronic filers should NOT mail the complete Form 470; mail only the signed Block 6 (and page 1 of the application if you have problems printing Block 6 using your browser and you instead use a paper copy of the form to complete Block 6).

IV. REMINDERS.

- All schools and libraries seeking support for eligible services pursuant to the universal service support mechanism must file FCC Form 470 individually or be included in a consortium that files FCC Form 470.
- The individual authorized to order telecommunications and other supported services for the school, school district, library, or library consortium must sign and date FCC Form 470. This signature certifies that the information submitted on FCC Form 470 is accurate.
- Provide data for all items that apply. For the items that do not apply, fill in "N/A." Attach additional sheets if necessary. Any attachments to FCC Form 470 should be clearly labeled.

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Form 470 Application Number: 35450000272043

Applicant's Form Identifier: fcc470-2000

Application Status: COMPLETE

Posting Date: 12/13/1999

Allowable Contract Date: 01/10/2000

Certification Received Date:

1. Name of Applicant: ANDERSON COMM SCHOOL CORP			
2. Funding Year: 07/01/2000 - 06/30/2001		3. Your Entity Number 130181	
4. Street 30 W 11TH ST			
City ANDERSON	State IN	Zip Code 5Digit 46016	Zip Code 4Digit 1402
D. Telephone number (765) 641-2011		C. Fax number (765) 641-2081	
E. E-mail Address rice@acsc.net			
5. Type Of Applicant (Check only one box) <input type="radio"/> Library (including library system, library branch, or library consortium applying as a library) <input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Street Address, P.O. Box, or Route Number (if different from Item 4) 30 W 11TH ST			
City	State	Zip Code 5Digit	Zip Code 4Digit

ANDERSON	IN	46016	1402
6c. Telephone Number (10 digits + ext.) (765) 641-2011			
6d. Fax Number (10 digits) (765) 641-2081			
6e. E-mail Address (50 characters max.) rlee@acsc.net			

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services purchased at regulated prices for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
POTS - Telephone (centrex) service, and service-grade, plus voice-quality dial	238 current lines + up to 50 new lines

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

- a. ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.
- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
early corporate internet service, t1 speed, secondary dns, registering domain acsc.net, and ip class 204.95.240-204.95.246	minimum 6 class-c address blocks, retaining domain acsc.net, secondary dns, minimum ds-1, minimum ds-1 to NAP, 3000 users

10. ☐ Internal Connections
You have a Request for Proposal (RFP) that specifies the services you are seeking.

☐ YES, I have an RFP. Choose one of the following. It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify the service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 _____ and 300 computers at 56Kbps or better). See the Eligible Services List at www.universalservice.org for examples of eligible Internal Connections Services. Add additional _____ if needed.

11. (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:	Title:
Joseph Cronk	Director of Information & Technology

Telephone number (10 digits + ext.)
 (765) 641-2142

Fax number
 (765) 641-2134

E-mail Address (50 characters max.)
 jcronk@acsc.net

12. ☐ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

13. (Optional) Purchases in future years. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

14. ☐ Basic telephone service only: If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

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a. Desktop communications software: Software required: <input checked="" type="checkbox"/> has been purchased, and/or <input type="checkbox"/> is being sought.
b. Electrical systems: <input checked="" type="checkbox"/> adequate electrical capacity is in place or has already been arranged, and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.
c. Computers: a sufficient quantity of computers: <input checked="" type="checkbox"/> has been purchased, and/or <input type="checkbox"/> is being sought.
d. Computer hardware maintenance: adequate arrangements: <input checked="" type="checkbox"/> have been made, and/or <input type="checkbox"/> are being sought.
e. Staff development: <input checked="" type="checkbox"/> all staff have had an appropriate level of training or additional training has already been scheduled, and/or <input type="checkbox"/> training is being sought.
f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: IN

a. ☐ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☐ Statewide application (check all that apply):

- ☐ All public schools/districts in the state.
- ☐ All non-public schools in the state.
- ☐ All libraries in the state.

If your statewide application includes INELIGIBLE entities, check here: ☐ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	22
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
765	378, 608, 622, 641, 683
If your application includes INELIGIBLE entities, check here: <input type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities**Entity Name****Entity Number**

ANDERSON COMM SCHOOL CORP

E30181

18. Ineligible Entities**Ineligible Participating
Entity****Entity
Number****Area
Code****Prefix**

☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965 (20 U.S.C. Secs. 8801(14) and (25) that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to, elementary and secondary schools, colleges and universities).

☐ individual technology plans for using the services requested in the application.

☒ higher-level technology plans for using the services requested in the application.

☐ no technology plan needed; application requests basic local and long distance telephone service only.

☒ technology plan(s) has/have been approved by a state or other authorized body.

☐ technology plan(s) will be approved by a state or other authorized body.

☐ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☐

26. Date (mm/dd/yyyy):

27. Printed name of authorized person: Randall Lee